

REMARKS

The above-referenced application has been reviewed in light of the Office Action mailed April 18, 2005. It is respectfully submitted that the claims present in the application are fully supported by the specification, introduce no new subject matter, and are patentable over the prior art. Prompt and favorable consideration of the claims is respectfully requested.

In the Office Action, claims 1-18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,733,293 to Scirica et al. (the '293 patent) in view of U.S. Patent No. 5,031,768 to Fischer (the '768 patent). This rejection is respectfully traversed.

Nowhere does the '293 patent teach or suggest a suture package wherein a cover is connected to a base via a hinge as recited in the present claims. In particular, Claim 1 recites the "cover portion being integrally *connected* to the base portion *via a hinge*;" Claim 9 recites "a cover *connected* to the base portion *via a hinge*;" and Claim 17 recites "a molded cover portion having a hinge-side edge and a free edge, the cover portion being integrally *connected* to the base portion along the hinge-side edges." Rather than disclose a cover attached to a base via a hinge, the '293 patent discloses that the top and bottom plates are detachably affixed to each other using tabs. (See column 5, lines 17-19 of the '293 patent which states: "Referring specifically to FIG. 3, bottom plate 68 is detachably *affixed* to top plate 66 *by means of flexible tabs* 76 formed along an edge 78 of the top plate 66." Emphasis added.) Thus, the '293 patent does not teach or fairly suggest permanently attaching the top and bottom plates of a suture package via a hinge.

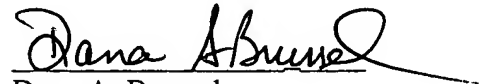
The '768 patent does not cure the above-noted deficiencies of the '293 patent. First, it is noted that the '768 patent relates to medical waste containers and has nothing whatsoever to do with suture packages. Therefore, the '768 patent cannot possibly provide any relevant teachings with respect to suture packaging. Certainly one skilled in the art concerned with packaging sutures (which are designed to deliver sterile sutures which cannot be considered to be waste under any circumstances) would not be motivated to look to art relating to medical waste collection trays (which are used to collect and safely dispose of non-sterile trash). Second, while as noted above the cover of the '293 patent is detachably connected to the base (suggesting that the cover is removable), the '768 patent makes it clear that once closed, the cover tray and base tray are permanently attached. (See column 7, line 54-58 of the '768 patent which states: "However, when the tray 22 is folded over onto the tray 24 so that the post 68 is inserted to the point of notch 69, as shown in FIG. 7, the two trays 22 and 24 are then permanently locked so that the trays can not be reopened.") In view of these inconsistent teachings, there is no basis for concluding that one skilled in the art would be motivated to combine the teachings of the '293 and '768 patents in the manner suggested in the Office Action.

In addition, the '768 patent issued on July 16, 1991, the '293 patent issued on March 31, 1998, while the present application was filed on July 14, 2003. Although the Office Action asserted that it would have been obvious to combine the '293 patent with the '768 patent, Applicants note that no references published in the *over five year period* after the issuance of the '293 patent issued were found which show the combination presently recited in claims 1, 9, and 17.

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In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1-18, are in condition for allowance. Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,



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